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09/618,954	07/19/2000	Edgar Allan Tu	FUSI-05000	2140
7590 Thomas B. Haverstock 162 North Wolfe Road Sunnyvale, CA 94086				
			EXAMINER COULTER, KENNETH R	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/618,954  
Filing Date: July 19, 2000  
Appellant(s): TU ET AL.

Thomas B. Haverstock (Reg. No. 32,571)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/12/08 appealing from the Office action mailed 11/14/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,167,120

KIKINIS

12-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 6 and 23 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (U.S. Pat. No. 6,167,120) (Apparatus and Methods for Home Networking).

- 2.1 Regarding claim 1, Kikinis discloses a system for providing access to a base device (Fig. 1, item 122) identified with a user of a remote client device (Fig. 1, items 130, 131, 132, 140, 141), said remote access system comprising:

a web server operatively coupled for communication with the remote client device accessed by the user (Fig. 1, items 123, 121, 110; col. 4, lines 30 – 55 “server 123”);  
and

a user server operatively coupled to said web server and said remote client device (Fig. 1, items 100, 110, 121; col. 4, lines 30 – 55 “Home Server Unit 100”), said

user server further configured to communicate data between the base device and the user of the remote client device (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 27 – 47), said user server further configured to communicate data with said base device via requests initiated by said base device (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 27 – 47).

**Col. 4, lines 30 – 55 of Kikinis '120**

Communications network 110 may be for example an ISDN connection to a local telephone company switch, in which case Bridge Adapter Unit 101 will be adapted for ISDN protocol. Communications network 110 may also be an analog telephone link, a cable connection, an Asymmetric Subscriber Digital Line (ASDL), or other link. The point of plug-in modularity for bridge adapter unit 101 is that a user may adapt his or her Home Server Unit 100 according to the service available from the home, and change at a later time if a new or different communication service to the home becomes available.

At the service provider's end a Multi-Bridge Adapter Unit 120 provides for receiving and processing data packets delivered over network 110, and for sending data packets from the service provider's end to the Home Server Unit, identified for the PC or peripheral device to which each transmission is intended. For example, facsimile messages may be delivered to unit 100 at Bridge Adapter Unit 101 via network 110, and be routed to facsimile machine 141. Alternatively, incoming faxes could be routed to laser printer 132 via I/O circuitry 102.

Returning again to the service provider's end of the system, Multi-Bridge Adapter Unit 120 connects to an Ethernet.TM. backbone 121 (in this particular embodiment) to which various equipment may be interfaced, such as a server 123 shown and a support technician workstation 122.

**Col. 2, lines 27 – 47 of Kikinis '120**

In alternative embodiments of the home server unit one or more of the hub circuit, the I/O interface circuit, and the bridge adapter unit are implemented as plug-in cards, and the bus has a card slot for receiving the one or more plug-in cards. Also in alternative embodiments of the home server unit the CPU, executing stored control routines, provides simultaneous Internet access for two or more PCs connected to the home

server unit. Other functions provided by the home server through the CPU and stored control routines include telephone exchange services for two or more telephony devices connected to the home server unit, receiving incoming facsimile transmissions, and routing such transmissions to any one of connected PCs or connected printers, according to preprogrammed instructions, and providing access to a remote server over the port adapted for wide area network connection, so one or more connected PCs may use storage space on the remote server transparently to the user.

The home server unit according to embodiments of the invention solves the existing problem of providing wide area network access to multiple computerized appliances without requiring multiple service accounts.

2.2 Per claim 2, Kikinis teaches that said data communicated to the remote device is formatted by a web browser (Abstract; Fig. 1; col. 7, lines 39 – 43; col. 4, lines 5 – 17).

2.3 Regarding claim 3, Kikinis discloses that said data communicated to the remote device is further formatted for viewing on a personal computer (Abstract; Fig. 1; col. 7, lines 39 – 43; col. 4, lines 5 – 17).

2.4 Per claim 4, Kikinis teaches that said data communicated to the remote device is further formatted for viewing on a mobile telephone (Fig. 1, item 140; col. 4, lines 19 – 29 “telephone 140”).

2.5 Regarding claims 5 and 6, Kikinis discloses that said data communicated to the remote device is further formatted for viewing on an Internet appliance device (Fig. 1, items 130, 131; col. 4, line 64 – col. 5, line 12).

Kikinis does not explicitly disclose that said data communicated to the remote device is further formatted for viewing on a PDA.

It would have been inherent for the computers seen in Figure 1 (items 130 and 131) to be implemented as portable computers or PDAs since the wireless connection of portable computers (and other appliances) to a central home server is commonplace in the art.

2.6 Per claims 23 – 26, the rejection of claims 1 – 6 under 35 USC 102(e) (paragraphs 2.1 – 2.5 above) applies fully.

#### **(10) Response to Argument**

Applicant argues that "Kikinis does not disclose, teach or suggest a system that is responsive to a base device as recited in claims 1-6 and 23-26." (p. 19, lines 3 – 4 of the Appeal Brief of 8/12/08).

Specifically Applicant argues that Kikinis does not disclose requests initiated by the base device.

Examiner disagrees.

Kikinis clearly discloses a user server further configured to communicate data between the base device and the user of the remote client device (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 27 – 47), said user server further configured to communicate data

with said base device via requests **initiated by said base device** (Abstract; Fig. 1; col. 4, lines 30 – 55; col. 2, lines 27 – 47).

The base device (support technician (Fig. 1, item 122) in Kikinis '120) would invariably initiate requests to user server (Home Server Unit (Fig. 1, item 100) in Kikinis '120) in order to initialize, configure, debug, and support the system of Kikinis '120.

Applicant argues that "there is no disclosure or suggestion anywhere within Kikinis of a system including requests initiated by a base device, nor a system including requests initiated by **a base device identified with a user.**" (p. 23, lines 2 – 4 of the Appeal Brief of 8/12/08).

Specifically Applicant argues that Kikinis does not disclose a base device identified with a user.

The base device (support technician (Fig. 1, item 122) in Kikinis '120) would invariably be identified with a user of a remote client device (user of PCs, Laser Printer, Telephone, or Fax (Fig. 1, items 130, 131, 132, 140, 141) in Kikinis '120) in order to initialize, configure, debug, and support the client devices (Fig. 1, items 130, 131, 132, 140, 141) of Kikinis '120.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer



For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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